

REMARKS

Applicant respectfully requests review and reconsideration of the application in view of the foregoing amendments and following remarks.

Objection to the Title

The Examiner objected to the title as non-descriptive. Applicant has amended the title as suggested by the Examiner. Applicant believes this resolves the Examiner's objection.

Objections to the Specification

The Examiner objected to the specification because "the abstract should not contain phrases which can be inferred." Applicant has amended the abstract as the Examiner required. Applicant believes this overcomes the Examiner's objection.

Applicant has also amended paragraph 21 of the specification in order to correspond to the drawing amendment to Figure 3b explained above.

Claim Objections and Rejections Under 35 U.S.C. §112

The Examiner objected to claims 9 and 12 because of various noted informalities. Applicant has amended claims 9 and 12 as strongly suggested by the Examiner. Applicant believes the amendments resolve the Examiner's objections.

The Examiner also rejected claims 10, 11, 20, and 23 under 35 U.S.C. §112. The Examiner rejected claims 10, 20, and 23 for using "awkward" language "capable of assuming." Applicant has amended the claims to replace the "awkward" language with language taken from the specification itself. See p. 3, par. 18, line 19; p. 3, par. 20, line 32. The examiner rejected claim 11 based on unclarity whether claim 11 is further defining the "tension" recited in claim 10, and based on unclarity concerning the structural relationship between the tensioning means

and the pole. Applicant has amended claim 11 to clarify that it is further referring to the "tension" recited in claim 10, and to clarify the structural relationship between the tensioning means and the pole. Applicant believes the amendments to claims 10, 11, 20, and 23 resolve the Examiner's objections and rejections.

Claim Rejections Under 35 U.S.C. §102(b)

The Examiner rejected all of the pending claims under 35 U.S.C. §102(b) as follows:

- Claims 1, 4, 5-11, 16-18, 21-23, 25, 26 over Jaureguy '078;
- Claims 1-3, 5, 8-12, 16, 18, 21-23, 25, 26 over Spray '094;
- Claims 1, 2, 4, 5, 7-11, 16-18, 20-23, 25, 26 over Gerig '649;
- Claims 1, 2, 4, 5, 8-12, 15, 16-18, 21-24, 25, 26 over Jager '311.

Applicant has amended independent claims 1, 16, and 25 to further define the invention. Applicant has amended dependent claims 8, 9, 21, 22, and 26 to be consistent with the amendments to claims 1 and 16. Applicant had added new dependent claims 29 and 30 directed to the feature disclosed at page 5, par. 26 of the specification. Applicant believes the pending claims clearly distinguish over each of the cited references for the following reasons.

Amended claims 1, 16, and 25 clarify that the invention incorporates as a characteristic feature one or more spars, the ends of which are free floating, in the sense they are not connected to or associated with other poles or structures. See Specification p. 3, par. 19, lines 22-29. This novel arrangement enables the inventive structure to provide expanded volume without added structure or weight. See p. 3, par. 20, line 30 to p. 4, par. 20, line 5. The novel arrangement also distinguishes the inventive structure from previous structures which have rods, struts, or the like,

which are connected to poles to provide reinforcement, but which do not provide expanded volume. All of the pending claims incorporate the inventive feature.

In contrast to the presently pending claims, Jaureguy '078 shows two separate "bracing elements or strips 18," each of which is rigidly connected at each end to a pole, and which are used to increase the rigidity of the structure. See lines 89-100. The bracing elements or strips are not flexibly coupled to the pole, are not coupled to the pole at a point intermediate their two ends, do not have their ends free, and are not associated with only a single pole. The structure shown in Jaureguy '078 is fundamentally different than that of the invention, and fails to disclose or suggest the claimed elements that are characteristic of the present invention. Applicant respectfully submits Jaureguy '078 does not anticipate under §102(b).

Also in contrast to the presently pending claims, Spray '094 shows a structure having a pole C and "reinforcing rods" E. The reinforcing rods are co-planar with the pole C and are rigidly connected at each end by clamps to a point on pole C, along a chord. See Fig. 2; col. 5, lines 36-38, 43-49. The reinforcing rods E are not flexibly coupled to the pole C, are not coupled to the pole at a point intermediate their two ends, and do not have their ends free. The structure shown in Spray '094 is fundamentally different than that of the invention, and fails to disclose or suggest the claimed elements that are characteristic of the present invention. Applicant respectfully submits Spray '094 does not anticipate under §102(b).

Also in contrast to the presently pending claims, Gerig '649 shows a structure with a "spacer element 10." The spacer element extends between adjacent or parallel poles to space them apart and has its opposite ends rigidly connected to the poles using "pocket-shaped" "butt straps 11." See Figs. 3-4; col. 6, lines 1-12. The spacer elements are not flexibly coupled to a

not in cl 25
pole, do not have their ends free, and are not associated with only a single pole. The structure shown in Gerig '649 is fundamentally different than that of the invention, and fails to disclose or suggest the claimed elements that are characteristic of the present invention. Applicant respectfully submits Gerig '649 does not anticipate under §102(b).

Also in contrast to the presently pending claims, Jager '311 shows a structure having "transverse rod members 54" rigidly connected between parallel poles at their opposite ends using "pocket members 38." In one embodiment, the pocket members are arranged such that the transverse rod members 54 are not actually even connected to the parallel poles, but are instead restrained by the pockets in a space adjacent to but not in contact with the poles. See Figs. 1, 3; col. 3, line 61 - col. 4, line 7. In a second embodiment, the ends of the transverse rod members are connected to poles using a hook and tube member 104. See Figs. 11-12; col. 6, lines 41-63. A similar third embodiment is shown in Figs. 13-14. The transverse rod members help maintain the poles in "spaced parallel relation." Col. 4, lines 4-7. The transverse rod members are not flexibly coupled to a pole, are not coupled to a pole at a point intermediate their two ends, do not have their ends free, and are not associated with only a single pole. The structure shown in Jager '311 is fundamentally different than that of the invention, and fails to disclose or suggest the claimed elements that are characteristic of the present invention. Applicant respectfully submits Jager '311 does not anticipate under §102(b).

Objections to the Drawings

The Examiner objected to the drawings because reference character "22" was used to designate both a spar element and a cord element in Figure 3b. Applicant is submitting a proposed drawing amendment for Figure 3b in which the spar element continues to be referred to

*Proposed
Drawing
Correction
approved
- 5/12/03*

Gillis, Robert E.
Application No.: 09/920,080
Page 15

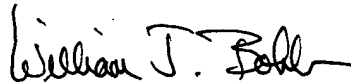
PATENT

with character "22" whereas the cord element is now referred to with character "25." Applicant believes this amendment resolves the Examiner's objection.

Conclusion

With the foregoing amendments to the specification, drawings and claims, and for the reasons set forth herein, applicant respectfully submits the application recites patentable subject matter and is in condition for allowance. Applicant therefore respectfully requests issuance of a Notice of Allowance at an early date. The Examiner is invited to contact applicant's undersigned attorney if the Examiner believes an interview will expedite prosecution of the application.

Respectfully submitted,



William J. Bohler
Reg. No. 31,487
Attorney for Applicant

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: (415) 576-0300
WJB:lmg
PA 3286450 v1